FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL APPLICATION NO.2742 OF 2005
IN
FIRST APPEAL NO.566 OF 2000

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr A.S.Kamat i/b M/s V Deshpande & Co, for the applicant.
Mr S.N.Gawade, AGP, for the respondent-State.
Mr V.S.Damle and M.C.Dixit for respondent no.1.

CORAM: D.B.BHOSALE,J.
DATED: 15.12.2006

P.C.:

Heard the learned counsel for the applicant.

By this application, the applicant has prayed for restoration of the First Appeal, which came to be dismissed for nonprosecution vide order dated 8.2.2002. Mr.Kamble, learned counsel for respondent no.1, submits that he has no objection for restoration of the appeal if the appeal is fixed for hearing immediately after vacation. He submits that respondent no.1 is about 75 years. Keeping that in view and considering the overall facts and

circumstances of the case, the civil application is allowed in terms of prayer clauses (a), (b) and (c) subject to payment of cost of Rs.3000/- to be remitted to respondent no.1 by Demand Draft within a period of two weeks from today.

The appeal to come up for hearing on 22.1.2007.

The civil application is disposed of.

(D.B.BHOSALE,J.)